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In re Application of
HEEKS et al.
Application No.: 09/868,262
PCT No.: PCT/GB99/04144
Int. Filing Date: 14 December 1999
Priority Date: 17 December 1998
Attorney Docket No.: 083513.7034
For: ORGANIC LIGHT-EMITTING DEVICES

DECISION ON REQUEST
UNDER 37 CFR 1.497(d)

This decision is in response to "Submission of Oath or Declaration under 37 CFR 1.497"
filed 03 January 2002.

BACKGROUND

On 14 December 1999, applicants filed the above-captioned international application, which claimed a priority date of 17 December 1998 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 June 2000. The international application named Stephen Karl Heeks, Jeremy Henley Burroughes, and Julian Charles Carter. A Demand for international preliminary examination was filed prior to 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee expired at midnight on 17 June 2001.

On 15 June 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a basic national fee of \$860.

On 05 September 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

On 03 January 2002, applicants filed "Submission of Oath or Declaration under 37 CFR 1.497" which included: a declaration executed by Stephen Karl Heeks, Jeremy Henley

Burroughes, Julian Charles Carter and Peter Devine; \$130 surcharge under 37 CFR 1.492(e); two-month extension of time fee (\$400); and an assignment.

DISCUSSION

In the instant case, the international application named Stephen Karl Heeks, Jeremy Henley Burroughes, and Julian Charles Carter as applicants/inventors. Applicants request to add Peter Devine as an applicant/inventor. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a);
- (3) the fee set forth in 37 CFR 1.17(i); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicants have satisfied items (1) and (2).

Regarding Item (3), Deposit Account No 06-0916 has been charged the processing fee of \$130 as set forth in 37 CFR 1.17(i).

Further, in order to satisfy item (4), applicants are required to submit a written consent of assignee to the correction in inventorship in compliance with 37 CFR 3.73(b), since the instant application has been assigned to Cambridge Display Technologies, Inc.

CONCLUSION

For the reasons discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

A proper response must include a written consent of assignee in compliance with 37 CFR 3.73(b).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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